

ENTERED

November 21, 2017

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JOSEPH MONTANO,

Plaintiff,

v.

STATE OF TEXAS,

Defendant.

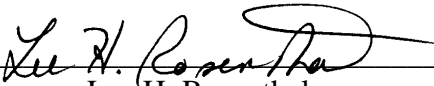
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CIVIL ACTION NO. H-15-860

ORDER

The State of Texas moved for summary judgment that Joseph Montano consented to a mistrial and waived his double jeopardy rights; Montano responded; and Texas replied. (Docket Entries No. 18, 19, 20). Based on the findings and conclusions stated in detail on the record, Texas's motion for summary judgment, (Docket Entry No. 18), is granted. Montano's petition for a writ of habeas corpus is denied, and the case is dismissed, with prejudice.

SIGNED on November 21, 2017, at Houston, Texas.



Lee H. Rosenthal
Chief United States District Judge